<u>Remarks</u>

Claims 1-25 remain pending in the Application.

<u>Rejection under 102(e)</u>

<u>Claims 1-25</u>

In the Office Action, the Examiner rejected Claims 1-25 under 35 USC 102(e) as being anticipated by Duursma et al. (6643690). Applicant has reviewed Duursma et al. and respectfully states that Duursma et al. do not anticipate the present invention for the following rationale.

Applicant respectfully states that Claims 1, 12 and 22 include the feature "service routing server utilizing a predetermined application criteria to intelligently select one of said at least two application service provider servers based on said application request received from said computing device, and intelligently routing the computing device application service request over the network to the selected application service provider server to perform the requested application service". Support for the Claimed feature is clearly shown in the specification including the 10th paragraph of the detailed description.

It is recognized that, although the claims are read in light of the specification, limitations appearing in the specification are not read into the claims. However, it is also recognized that the claims are read as one of ordinary skill in the art would read them. Furthermore, it is recognized that an Applicant can be his or her own lexicographer, as long as the meaning of a term is not repugnant to the usual meaning of the term. Moreover, if extrinsic reference sources evidence more than one definition for the term, the intrinsic record (e.g., the disclosure of the instant application) must be consulted to identify which of the different possible definitions is most consistent with Applicants' use of the term – where there are several common meanings for a claim term, the patent

disclosure serves to point away from the improper meanings and toward the proper meanings.

One example of an application service described in the Specification is a request for an application service regarding video editing, content edition and enhancement. Another example is a request for an outside application service regarding audio editing, copying and production.

That is, the request for application services is a request for an application service provider to <u>perform</u> a service based on the application requested. These features are clearly shown throughout the specification including Figure 6 and Table A and paragraphs [0003], [0017], [0029], [0037], [0042] and [0046].

Applicant respectfully disagrees that Duursma et al. anticipates the features of Claims 1 and 22. Applicant understands Duursma et al. to teach a method for providing applications for client operation capability. That is, Applicant understands the applications of Duursma et al. to be applications such as word processor programs, spreadsheet programs, etc that may be run on the client machine or run at the server and provided in the GUI of the client machine. Therefore, Applicant does not understand Duursma et al. to teach or anticipate the application service provider performing a service as clearly featured in Claims 1 and 22 and clearly defined in the Specification.

Furthermore, Applicant understands Duursma et al. to teach a method for intelligently routing the computing device application based on server bandwidth, load balancing, availability, etc. However, Applicant does not understand Duursma et al. to teach the service routing server utilizing a predetermined application criteria to intelligently select the application service provider based on the application request received. Applicant understands Duursma et al. to evaluate the client credentials and then authorize the list of available services

based on the client authentication. Therefore, Applicant respectfully states that Duursma et al. does not anticipate the feature of "utilizing a predetermined application criteria to intelligently select the application service provider."

Thus, Applicants respectfully submit that an essential element needed for a *prima facie* rejection is missing. Therefore, Applicant respectfully submits that Duursma et al. does not anticipate the present claimed invention as recited in Claims 1, 12 and 22, and as such, Claims 1, 12 and 22 are in condition for allowance.

In addition, Applicant respectfully states that Claims 1, 12 and 22 include the feature "service routing server utilizing a predetermined application criteria to intelligently select one of said at least two application service provider servers based on said application request received from said computing device." Support for the Claimed feature is clearly shown in the specification including the 10th paragraph of the detailed description.

Applicant respectfully disagrees that Duursma et al. anticipates the features According to the Federal Circuit, "[a]nticipation requires the disclosure in a single prior art reference of each claim under consideration" (W.L. Gore & Assocs. v. Garlock Inc., 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983)). However, it is not sufficient that the reference recite all the claimed elements. As stated by the Federal Circuit, the prior art reference must disclose each element of the claimed invention "arranged as in the claims" (Lindermann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984)).

Applicant understands Duursma et al. to teach evaluation of the client's credentials and then authorizing the list of available services based on the client's authorization to access the available services. Moreover, Applicant

understands Duursma et al. to teach and anticipate the application providing servers being part of the program neighborhood. In other words, Applicant understands Duursma et al. to teach the trust relationship is weighted in favor of the application provider and that it is the client device which is evaluated, limited, and password restricted when trying to gain access to the provided applications.

This teaching of Duursma et al. is directly opposite the claimed feature of a "predetermined application criteria to intelligently select the application service provider server." Therefore, Applicant respectfully states that Duursma et al. does not anticipate the feature of "utilizing a predetermined application criteria to intelligently select the application service provider." Moreover, Applicant respectfully states that Duursma et al. teaches against intelligent selection directed toward the service provider and instead teaches toward intelligent selection directed toward the client requesting the application.

Therefore, Applicant respectfully submits that Duursma et al. does not anticipate the present claimed invention as recited in Claims 1, 12 and 22, and as such, Claims 1, 12 and 22 are in condition for allowance.

Additionally, with respect to Claim 12, Applicant respectfully states that Claim 12 includes the feature "a parameter reviewer for reviewing and qualifying the adequacy of an outside server's parameters to qualify the adequacy of the submitted parameters." Support for the Claimed feature is clearly shown in the specification including page 9 lines 19-29 of the detailed description.

Applicant respectfully disagrees that Duursma et al. anticipates the features of Claim 12. Applicant has reviewed the Examiner's cited section (col. 12 lines 47-col 13 lines 26) and did not understand Duursma et al. to teach or anticipate any type of reviewing and qualifying the adequacy of an outside server's parameters to qualify the adequacy of the submitted parameters

(emphasis added). As stated herein, Applicant understands Duursma et al. to teach monitoring the server's bandwidth, availability, load balancing, etc. However, Applicant does not find any indication of reviewing or qualifying the adequacy of the server.

Applicant understands Duursma et al. to teach evaluating the client credentials and then authorizing the list of available services based on the client authentication. Additionally, Applicant understands Duursma et al. to teach and anticipate the application providing servers being part of the program neighborhood. That is, Applicant understands Duursma et al. to teach the trust relationship is weighted in favor of the application provider while the client device requires evaluation, limitation, and authorization.

This teaching of Duursma et al. is directly opposite the claimed feature of a "reviewing and qualifying the adequacy of an outside server's parameters to qualify the adequacy of the submitted parameters." Therefore, Applicant respectfully states that Duursma et al. teaches against reviewing and qualifying the service provider and instead teaches toward reviewing and qualifying the client.

Therefore, Applicant respectfully submits that Duursma et al. does not anticipate the present claimed invention as recited in Claim 12, and as such, Claim 12 is in condition for allowance.

Moreover, with respect to Claims 12 and 22, Applicant respectfully states that Claims 12 and 22 include the features "developing a register for said application service provider, said register qualifying said application servers based on the parameters of the services provided by the application service providers." Support for the Claimed feature is clearly shown in the specification including the 6th paragraph of the detailed description.

Applicant respectfully disagrees that Duursma et al. anticipates the features of Claims 12 and 22. Applicant has reviewed the Examiner's cited section (col. 8 lines 34-col 9 lines 52) and did not understand Duursma et al. to teach or anticipate any type of <u>qualifying</u> of the server's parameters much less providing the qualifying in a developing register.

Applicant understands Duursma et al. to teach evaluating the client credentials and then authorizing the list of available services based on the client authentication. Additionally, Applicant understands Duursma et al. to teach and anticipate the application providing servers being part of the program neighborhood. That is, Applicant understands Duursma et al. to teach the trust relationship is weighted in favor of the application provider and the client device is evaluated, limited, and password restricted when trying to gain access to the provided applications.

The teaching of Duursma et al. to qualify the client is directly opposite the claimed feature of a "register qualifying said application servers based on the parameters of the services provided by the application service providers." In addition, Duursma et al. provides significant instruction on the authorization of a client to utilize the service. This is directly opposite the teaching of the present features which do not require client authorization, but instead provide the qualified service providers to the client. Therefore, Applicant respectfully states that Duursma et al. teaches against qualifying the service provider and instead teaches toward qualifying the client.

Thus, Applicant respectfully submits that Duursma et al. does not anticipate the present claimed invention as recited in Claims 12 and 22, and as such, Claim 12 and 22 are in condition for allowance.

For the plurality of reasons provided herein, Applicant respectfully submits that Duursma et al. does not anticipate the present claimed invention as recited in Claims 1, 12 and 22, and as such, Claims 1, 12 and 22 are in condition for allowance. Accordingly, Applicant also respectfully submits that Duursma et al. does not anticipate the present claimed invention as recited in Claims 2-11 which are dependent on an allowable Independent Claim 1, Claims 13-21 which are dependent on an allowable Independent Claim 12 and Claims 23-25 which are dependent on an allowable Independent Claim 22, and that Claims 2-11, 13-21 and 23-25 recite further features of the present claimed invention. Therefore, Applicant respectfully states that Claims 2-11, 13-21 and 23-25 are allowable as pending from allowable base Claims.
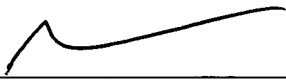
Conclusion

In light of the above remarks, Applicant respectfully requests allowance of Claims 1-25.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present application.

Respectfully submitted,

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